

Jowdy Diamanté air plane multi-million dollar thefts

Diamanté Air –

Jowdy made an initial investment pitch to Kenner in 2004 to buy a Falcon 10 Jet (*the one sought in the government's forfeiture*) – which was also fraudulently taken by Constantine and Gonchar in 2010 from Kenner, Gaudet, the GSF contributors and the other original Diamante Air investors via fraudulent title transfers and non-performance of LLC documents (*immediately following the GSF*).

Kenner and three other investors gave Jowdy \$875,000 in April 2004 for the initial purchase and registration.

Instead – Kenner later discovered that Jowdy the ***stole \$875,000*** (*deposited in April 2004*) from Kenner's airplane investors (*Diamanté Air*) instead of buying the Falcon 10 when offered to Kenner and his clients by Jowdy --

See R33 049a -- DAir Hudson United_TD Bank Statements -- pages 7160 thru 7166) –

Jowdy Diamanté air plane multi-million dollar thefts

DIAMANTE AIR LLC C/O TAFFY JOWDY PO BOX 802 DANBURY CT 06810	Hudson United Bank 1000 MacArthur Blvd Mahwah, NJ 07430
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VISIT OUR WEBSITE AT WWW.HUDSONUNITEDBANK.COM TO FIND OUT ABOUT THE VARIETY OF PRODUCTS AND SERVICES HUB OFFERS TO MEET YOUR FINANCIAL NEEDS. THANK YOU FOR BANKING WITH US.

Hub'S Small Business Checking

Account number	3982295150	Beginning balance	\$1,214.89
Low balance	\$1,182.89	Total additions	800,000.00
Avg collected balance	\$235,123.00	Total subtractions	190,155.75
		Ending balance	\$611,059.14

DEBITS

Date	Description	Subtractions
04-01	* Overdraft Fee FOR OVERDRAFT CHECK # 0	32.00
04-05	* Deposit Return Item SEO # 30156 REASON: NSF - 1ST	40,000.00
04-06	* Lg. Dollar Notif.	10.00
04-07	* Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	10,000.00
04-09	* Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	15,000.00
04-12	* Wire Transfer Debit 200404120107202F000106	50,000.00
04-12	* Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3982295079	10,000.00
04-12	* Maintenance Fee FEE BASED ACTIVITY FOR 03/04	35.00
04-13	* Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3982295079	15,000.00
04-13	* Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	5,000.00
04-13	* Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	5,000.00

SEE REVERSE SIDE FOR IMPORTANT INFORMATION
Direct inquiries to address and/or telephone number on reverse side

ALL 398 229 5276 were funds diverted to Jowdy's BDC acct...\$35,000

ALL 398 134 5079 were funds diverted to Jowdy's DDM acct...\$65,000

An untraceable debit of \$50,000 also occurred above...\$50,000

A TOTAL of about \$620,000 was stolen in the first two months -- and the remainder the next month by Jowdy WITHOUT buying the Falcon 10...

Jowdy Diamanté air plane multi-million dollar thefts

DIAMANTE AIR LLC
April 30, 2004

Page 2 of 2
3982295150

Date	Description	Subtractions
04-20	* Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3982295079	40,000.00
04-20	* Preauthorized Wd DELUXE CHECK CHECK/ACC. 080420	78.75

CREDITS

Date	Description	Additions
04-02	* Wire Transfer-IN 200404028108021C006007	50,000.00
04-06	* Deposit	250,000.00
04-14	* Deposit	250,000.00
04-27	* Wire Transfer-IN 200404278108023C004153	250,000.00

\$750,000 from
Norstrom, Gonchar
& Sydor

From Kenner cash

DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
03-31	1,214.89	04-06	261,137.89	04-13	161,137.89
04-01	1,182.89	04-07	251,137.89	04-14	401,137.89
04-02	51,182.89	04-09	236,137.89	04-20	361,059.14
04-05	11,182.89	04-12	176,137.89	04-27	611,059.14

Jowdy DIVERTED all of the investor funds within a few months and DID NOT BUY the Falcon 10 – UNKNOWN to Kenner and the Diamante Air investors – until after Jowdy fraudulently INDUCED Kenner to co-sign (with Gonchar) on a loan for Diamante Air...

Jowdy Diamanté air plane multi-million dollar thefts

DIAMANTE AIR LLC C/O TAFFY JOWDY PO BOX 802 DANBURY CT 06810	5046	Customer Service, 1-800-482-6465 Hudson United Bank 1000 MacArthur Blvd Mahwah, NJ 07430
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Hub'S Small Business Checking

Account number	3982295150	Beginning balance	\$611,059.14
Enclosures	3	Total additions	28,603.60
Low balance	\$172,344.51	Total subtractions	467,318.13
Avg collected balance	\$367,656.00	Ending balance	\$172,344.51

<div style="border: 1px solid red; padding: 2px; display: inline-block;">Untraceable \$235,000 of stolen funds thru checks...</div>	\$	<table border="1" style="width: 100%;"><thead><tr><th>Number</th><th>Date</th><th>Amount</th></tr></thead><tbody><tr><td>996</td><td>05-10</td><td>205,000.00</td></tr><tr><td>998 *</td><td>05-24</td><td>8,500.00</td></tr></tbody></table>	Number	Date	Amount	996	05-10	205,000.00	998 *	05-24	8,500.00	<table border="1" style="width: 100%;"><thead><tr><th>Number</th><th>Date</th><th>Amount</th></tr></thead><tbody><tr><td>999</td><td>05-17</td><td>19,149.63</td></tr></tbody></table>	Number	Date	Amount	999	05-17	19,149.63	* Skip in check sequence
Number	Date	Amount																	
996	05-10	205,000.00																	
998 *	05-24	8,500.00																	
Number	Date	Amount																	
999	05-17	19,149.63																	

DEBITS

Date	Description	Subtractions
05-03	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3983296079	6,000.00
05-11	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3983296079	25,000.00
05-11	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	5,000.00
05-13	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3983296079	50,000.00
05-13	Maintenance Fee FEE BASED ACTIVITY FOR 04/04	65.00
05-18	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3983296079	10,000.00
05-19	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3983296079	15,000.00

MEMBER FDIC
EQUAL OPPORTUNITY LENDER

SEE REVERSE SIDE FOR IMPORTANT INFORMATION
(Check required to address listed telephone number on Reverse Side)

All 398 229 5276 were funds diverted to Jowdy's BDC acct...\$60,000

All 398 134 5079 were funds diverted to Jowdy's DOM acct...\$146,000

An untraceable debit of \$28,603 also occurred above..\$28,603

...And then Jowdy defrauded Kenner and Gonchar in November 2005 for \$1.1mm by FABRICATING a FAKE operating agreement for Diamante Air (***after Kenner sent the bank the original that required Kenner's signature*** -

See R33 049b -- DAir FRAUD Jowdy OpAg signed after loan docs

Jowdy Diamanté air plane multi-million dollar thefts

- ❖ Kenner, Gonchar, Sydor, Stumpel and Norstrom all believed that the Falcon 10, which Jowdy was flying non-stop from 2004 thru 2006 on alleged Diamanté business, was owned by the group since April 2004 – per Jowdy.
- ❖ Jowdy did not purchase the Falcon 10 until the 2005 loan – ***which Jowdy masked to Kenner and the group as a \$750,000 engine and landing gear overhaul – thus the need for the 2005 loan (over a year after the alleged purchase).***

The loan default litigation was caused by Jowdy and his NY attorney Harvey's refusal to turn over the title to the Falcon 10 before the loan defaulted in 2008 (*to punish Kenner and Gonchar for their adverse position to Jowdy*) – despite Kenner's \$50,000 plus in 2008 loan payments to avoid the repossession for the investors in 2008 – *payments in EDNY evidence from Kenner personal bank records.*

During the litigation between First Source Bank (*Rick Rozenboom – from the EDNY trial*) and the Kenner/Gonchar guarantee (*without Jowdy – also learned for the first time*) – the airplane investors learned that Jowdy had stolen the original \$750,000 in 2004 (***see R33 049a***) plus another \$400,000 from Stumpel and Kenner in 2005 – in addition to the ***\$430,000 extra cash*** in November 2005 and February 2006 which Jowdy stole from the First Source Bank loan thru his fraudulent Managing Member status capacity.

See R33 049b -- DAir FRAUD Jowdy OpAg signed after loan docs

...in order to facilitate Jowdy signing the Airplane loan documents

See R33 049c -- DAir fraud loan documents

...and ***stealing another \$430,000*** cash from the loan (***also unknown to Kenner and Gonchar & in EDNY evidence***) – (*below*)

Even after the \$430,000 unknown additional theft (\$290k in November 2005 and \$140k in February 2006 -- *as loan advances*) from the First Source Bank airplane loan by Jowdy – days later Jowdy sent Kenner a repair bill to try and extract more funds from Kenner, which Kenner responded (*in EDNY discovery PK_SEC_019040*) on February 23, 2006 (***also 2 days after the \$3mm KSI loan funded***) --

"\$60k to get the Falcon in the air?"

~\$60k to get the Falcon in the air?? Let me know pk

Jowdy added \$290,000 to the First Source Bank loan (*below*) – unknown to Kenner and or Gonchar – at the November 2005 fraudulent closing and then diverted the funds with the help of Jowdy's best friend and co-Diamante Air signor, Mark Thalmann.

See R33 049e -- Jowdy theft of \$290,000

Jowdy Diamanté air plane multi-million dollar thefts

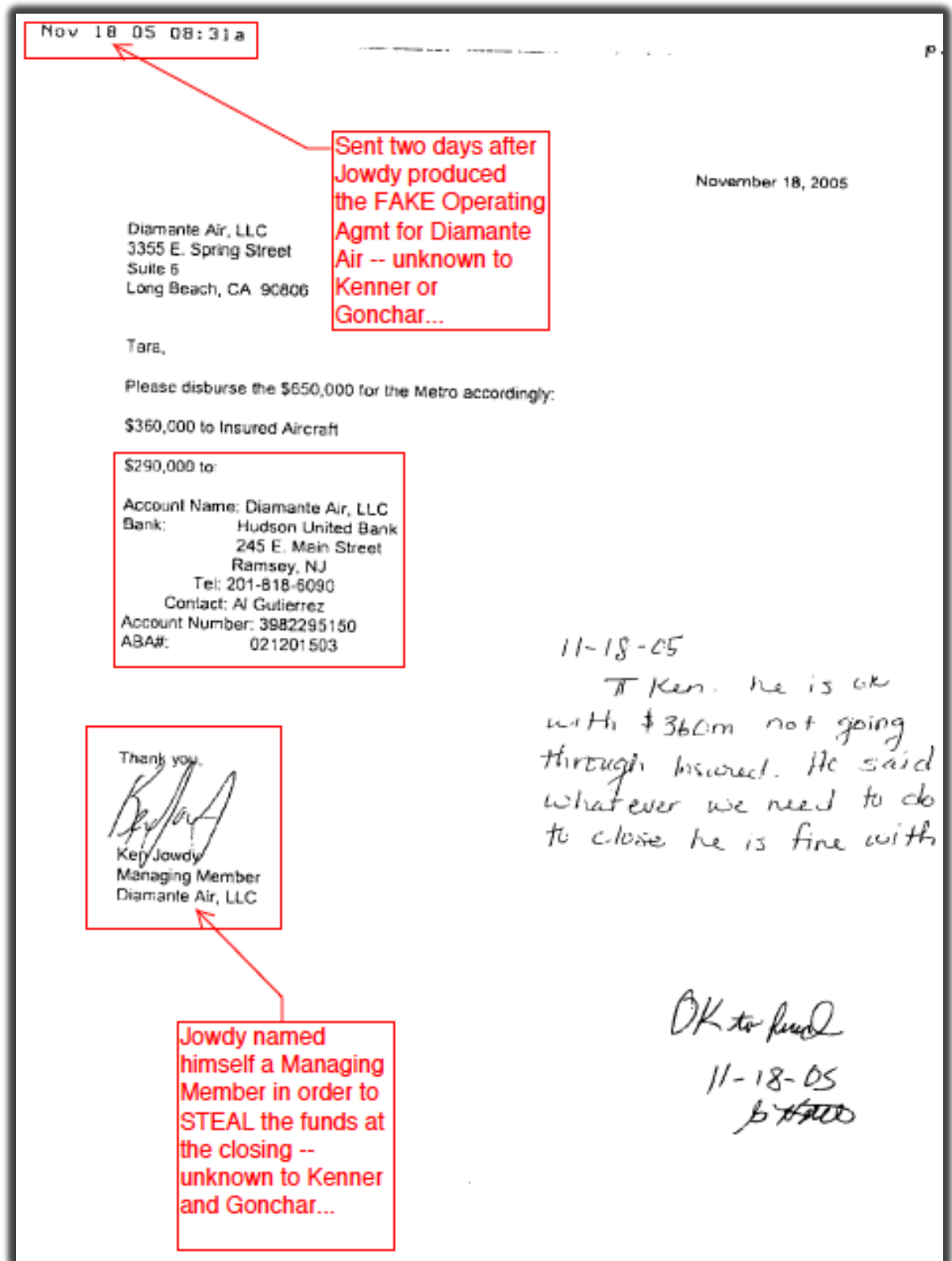
REQUESTED BY: SFG - Aircraft Division		DATE: 11/18/05
Department/Branch Name		
AMOUNT: \$	\$290,000.00	Analysis Charge <input type="checkbox"/>
FROM:	1st Source Bank	
GL	14177-12212	Note: ***If Account is NOT an Analysis current Wire Transfer Fee will be charged
Acct. type: DDA, SAV, GL	Account # or GL	
	Diamante Air, LLC; 3355 B. Spring Street, Hangar #6	
	Company/Individual Name ****Complete Address****	
	Long Beach, CA 90806	
	City/State/Zip	Telephone Number
Banking Center/Dept. entries to be made when customer does not have DDA or SAV, or is a non-customer: Credit Wire Amount to 11170/41110 (Wire Transfer Suspense) and enter GL 11170/41110 on account line above Credit Fees amount to 47925/21351 (Wire Transfer Fees)		
I hereby authorize 1st Source Bank to make this transfer		
Customer Signature		
Below info must be filled out for wire to be sent for a non-customer - If business non-customer contact EFT before doing wire		
*Non-Customer:		
Tax ID/Sec. Security/Allex ID No./Passport No. & Country Issued DOB Means of Identification (i.e. Driver's License #, State, Exp. date)		
Telephone or Fax Request Taken By Branch/Dept.:		
First Name of Employee Taking Request Employee Signature		
TO:	021 201 503	Hudson United Bank
	ABA #	Bank Name
	3982295150	Ramsey, NJ
	Account #	City/State
	Diamante Air, LLC; 3355 B. Spring Street, Hangar #6	
	Company/Individual Name ****Complete Address****	
	Long Beach, CA 90806	
	City/State/Zip	
Additional credit and/or reference information		
Additional credit and/or reference information		
Re: N227LC, s/n AC-707; contact Al Gutierrez		
Additional credit and/or reference information		

Stolen as a loan advance at the fraudulent November 2005 closing...

Account controlled by Jowdy and Jowdy's best friend -- Mark Thalmann

Jowdy followed the request with a fax confirmation two days after he fraudulently produced the new operating agreement for Diamanté Air – unknown to Kenner and the other investors...

Jowdy Diamanté air plane multi-million dollar thefts



See R33 049f-- DAir Hudson United_TD Bank Statements (pages 8-11)

Jowdy Diamanté air plane multi-million dollar thefts

Untraceable \$235,000 of stolen funds thru checks...

Number	Date	Amount	Number	Date	Amount
996	05-10	205,000.00	999	05-17	19,149.63
998 *	05-24	8,500.00	* Skip in check sequence		

DEBITS

Date	Description	Subtractions
05-03	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3982295079	6,000.00
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05-11	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	5,000.00
05-13	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3982295079	50,000.00
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MEMBER FDIC
EQUAL OPPORTUNITY LENDER

SEE REVERSE SIDE FOR IMPORTANT INFORMATION
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All 398 229 5276 were funds diverted to Jowdy's BDC acct...\$60,000

All 398 134 5079 were funds diverted to Jowdy's DDM acct...\$146,000

An untraceable debit of \$28,603 also occurred above...\$28,603

DIAMANTE AIR LLC
May 31, 2004

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3982295150

Date	Description	Subtractions
05-19	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	10,000.00
05-25	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3982295079	10,000.00
05-26	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3981345276	45,000.00
05-28	Wire Transfer Debit 20040528B1B7202F00C044	28,603.50
05-28	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT 3982295079	30,000.00

Unknown payee...

CREDITS

- Please note that Jowdy and Thalmann controlled the Diamante Air bank accounts and refused to turn them over (with Tom Harvey's help) in 2008 when requested by Kenner and investors thru Diamante Air's attorney, Paul Augustine.

Jowdy Diamanté air plane multi-million dollar thefts

- Kenner was refused access to two meeting points arranged by Harvey and Jowdy – *The Police denial forms are in EDNY evidence...*
- ***The Diamante Air account received the \$290,000 STOLEN loan funds on 11-18-2005 unknown to Kenner &/or Gonchar.***
- Jowdy or Thalmann instructed the bank to wire the \$290,000 to Jowdy's personal LLC – Baja Development Corp (**account – 3981345276**) to further conceal the stolen funds on –
 - 11-18-2005 - \$190,000, and
 - 11-21-2005 -- \$80,000

To Jowdy's 100% owned -- Baja Development Corporate from the Diamanté Air account (loan proceeds) –

11-18 ' Transfer Debit	190,000.00
TRANSFER TO DEPOSIT ACCOUNT 3981345276	
11-21 ' Transfer Debit	80,000.00
TRANSFER TO DEPOSIT ACCOUNT 3981345276	

After the \$290,000 theft in November 2005 – and only a few days before Jowdy leveraged – again unknown to any of the Diamanté investors – the \$68.9mm parcel of land for a \$3mm hard-money loan on February 21, 2006 (*then looted about \$1mm of the net loan proceeds with Bill Najam and their cousin Edward Essa*) – Jowdy robbed the First Source Bank loan again for \$140,000 from the Kenner and Gonchar guarantee.

See R33 049d -- Diamante Air loan history

Source Bank

DIAMANTE AIR LLC
31640100003
Loan History: 01/01/06 - 12/01/13

Transaction Effective Date	Transaction description	Date Payment Due	Principal Balance After Transaction Posted	Disbursements	Late fee/Other fee 39899999: waived	Principal Paid	Interest Paid	Late Fees Paid	Loan Fees Paid	Total Paid
01/26/06	Regular Payment Eff Date	01/26/06	756,431.04	-	-	5,568.96	5,078.09	-	-	10,647.05
01/30/06	Late Fee Waiver		756,431.04	-	(582.35)	-	-	-	-	-
01/30/06	Late Fee Assessment	01/31/06	756,411.04	-	582.85	-	-	-	-	-
02/17/06	Additional Disbursement		896,431.04	140,000.00	-	-	-	-	-	-
02/22/06	Regular Payment Eff Date	02/22/06	896,531.87	-	-	5,899.22	4,747.83	-	-	10,647.05

\$140,000 stolen only 4 days before Jowdy took out the \$3mm KSI hard money loan that led to the Diamante del Mar DEFAULT and \$10mm investor loss...

Kenner told FBI Agent Galioto about this theft – amongst others – in his June 24, 2009 proffer.

Jowdy Diamanté air plane multi-million dollar thefts

In Jowdy's January 2010 deposition -- Jowdy first states that he does not know who signed for the Diamante Air loans --

24	Q. DO YOU KNOW WHO SIGNED FOR THE LOAN	
25	ON THE FALCON?	425
1	A. I DON'T KNOW.	

See R33 049c -- DAir fraud loan docs.pdf

Please note that Jowdy signed a FRAUDULENT Diamante Air operating agreement two (2) days after he signed for the loan -- *when the bank realized that Jowdy was not on the Diamante Air operating agreement forwarded to the bank one month earlier by Kenner --*

SEE the TIME STAMP on the fax from Jowdy to the bank...

See R33 049b -- DAir FRAUD Jowdy OpAg signed after loan docs

See R33 049g -- Diamante Air REAL Oper Agmt PRE Jowdy FRAUD

- Not only did Jowdy create a FAKE and FRAUDULENT Diamante Air operating agreement -- but also Jowdy added a second airplane on the loan and guarantee -- ***unknown to Kenner and Gonchar until First Source Bank sued them...*** FURTHER burying the loan to the financial detriment of Gonchar and Kenner and defrauding all of the Diamanté Air investors.

As Jowdy's last straw of defiance with the airplanes --

In Jowdy's 2009 AZ case defense while trying to push for a NY based arbitration -- Jowdy confirms the purpose for the investments in the Diamante Air Falcon 10 plane (*since the 2nd plane was fraudulently added to the First Source Bank loan by Jowdy -- unknown to Kenner &/or Gonchar*) -- as follows --

Jowdy Diamanté air plane multi-million dollar thefts

8 **Aircraft Operations Related to the Mexico Projects**
9 15. In late 2005, Kenner and I (along with some other individuals) decided to
10 set up a company called Diamante Air, LLC ("Diamante Air"). The primary ownership of
11 Diamante Air was shared by me (30% ownership) and a company wholly owned by
12 Kenner called GuideDog, LLC (30% ownership). The purpose of Diamante Air was to
13 purchase, lease, charter and/or operate aircraft that would be used to fly potential
14 investors, purchasers and others down to Mexico to tour the Cabo San Lucas Project and
15 the El Rosario Project. For that reason, the operations of Diamante Air were directly
16 related to the development of the Mexico Projects.

BUT -- Jowdy states in the January 2010 deposition, that while the planes were supposed to be used for the México project's marketing (*100% under his and Thalmann's management control - above*) -- Jowdy **NEVER** used the planes for the project -- BUT for his own purposes before he let them go into DEFAULT in 2008 (*at the suggestion of Tom Harvey*) --

9 NOW, WAS THERE EVER A CLAIM FROM --
10 DO YOU KNOW IF THERE'S A DISPUTE OVER SOME OF
11 THESE AIRPLANES THAT DIAMANTE AIR OWNED AND THEN
12 LOST, IF THERE'S ANY CLAIM FOR DAMAGES AS A RESULT
13 OF THOSE?
14 A. I DONT KNOW.
15 Q. DO YOU -- WHAT TRIPS DID YOU TAKE
16 THAT YOU'RE AWARE OF WITH THE INTENTION OF
17 ACQUIRING ADDITIONAL LAND OR PROJECTS FROM 2003 TO
18 2007 THAT WEREN'T RELATED TO THE CABO PROJECTS?
19 A. ALL TRIPS.

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